

REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

Claims 1-23 were previously pending in the application. Claims 1 and 3 are canceled, leaving claims 2 and 4-23 for consideration.

Claim 23 is amended to change "tissues" in line 6 to read "tissue" consistent with claim 1 to address the claim objection noted in the Official Action.

Claim 1 is amended as suggested in the Official Action to recite "is adapted to be" before "in contact with tissue" to address the 35 USC §101 rejection noted in the Official Action. Claims 8, 9, 12, 13 and 23 are similarly amended to avoid positively reciting "tissue".

Rewriting claims 4, 9, and 15 in independent form and amending claim 2 to depend from claim 4 is believed to obviate the rejection of claims 1-3, 8 and 21 over KENSEY et al. 5,222,974.

Specifically, only claims 1-3, 8 and 21 were rejected in view of KENSEY et al. Claims 4-7, 9-20, 22 and 23 appear to be allowable if amended to overcome the 35 USC §101 rejection noted in the Official Action. The same was confirmed in a telephone call to Examiner Sonnett on April 5, 2007.

As the claims remaining in the application are believed to be directed to allowable subject matter and as the formal matters are believed address, the application is believed to be in condition for allowance. An early notification of allowance is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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